

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:07-HC-2214-FL

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
CLARKE COLEMAN SHAW,)	
)	
Respondent.)	

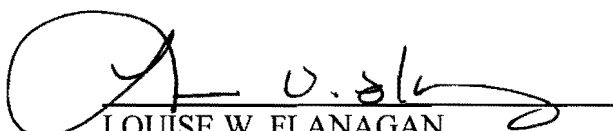
This matter is before the court on respondent's motion to replace counsel (DE # 31), filed August 23, 2010, and respondent's motion to withdraw previous motion requesting to replace existing counsel (DE # 32), filed on August 24, 2010. In his second motion, respondent explains that he wishes to withdraw his first motion to replace counsel Mark E. Edwards, whose entry into the case was directed by the prior judge upon consideration of motion of the Federal Public Defender seeking to withdraw. This motion was allowed July 20, 2010.

Thereafter, Mr. Edwards properly noticed his appearance as substitute counsel for respondent. Respondent notes that he has met with Mr. Edwards and is confident in Mr. Edwards's ability to handle respondent's case. In light of the foregoing, respondent's first motion to replace counsel (DE # 31) is DENIED AS MOOT, and respondent's second motion to withdraw (DE # 32) is GRANTED.

Where another attorney has sought to enter into the case by appending his name to certain filings in apparent anticipation of a litigation referral, which referral is not made, the clerk is directed to strike James Braxton Craven, III, as acting in any capacity for respondent in this case.

There are two motions now pending, including motion to transfer (DE # 34) and motion for psychiatric examiner (DE # 35). There appears no response on the docket to the latter motion, however. The government is directed now to file a response to the motion for appointment of a psychiatric examiner within fourteen (14) days hereof. Thereafter, in accordance with order entered this date, pre-trial matters now are referred to the magistrate judge, who shall enter order or suggest proposed findings and make recommendations as appropriate.

SO ORDERED, this the 10th day of November, 2010.


LOUISE W. FLANAGAN
Chief United States District Judge